



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,618	09/23/2003	Robert H. Jordan	JOR-001USP	2202
22224	7590	03/09/2006	EXAMINER	
PATRICIA SMITH KING 10 E. DOTY STREET, STE. 800 MADISON, WI 53703			KAPLAN, HAL IRA	
			ART UNIT	PAPER NUMBER
			2836	
DATE MAILED: 03/09/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/668,618

Applicant(s)

JORDAN, ROBERT H.

Examiner

Hal I. Kaplan

Art Unit

2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,6-8,10-12,14,15,19,20 and 22-24 is/are allowed.
- 6) ☒ Claim(s) 3,5,9,13,16-18 and 21 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/23/03, 12/23/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: Paragraph 54, line 3 contains the word "open". It appears this should be "closed". Paragraph 54, line 5 contains the word "open". It appears this should be "closed". Paragraph 59, line 3 contains the phrase "switch 370 being itself powered". It appears this should read "switch 370 is powered". Paragraph 68, line 2 contains the phrase "third switching means 360". It appears this should read "third switching means 460". Paragraph 71, line 6 contains the phrase "off, opens". It appears this should read "off opens". Paragraph 72, line 6 contains the phrase "inverter 463". It appears this should read "inverters 463". Paragraph 83, line 4 contains the word "undo". It appears this should be "undue". Paragraph 86, line 11 contains the phrase "390 or 393". It appears this should read "390 and/or 393".

The word "means" appears frequently throughout the specification. As the purpose of the specification is to enable any person skilled in the art to which the invention pertains to make and use the device, and one of ordinary skill in the art would not understand the form and legal phraseology often used in patent claims, such as "means" and "said", they should be removed.

Appropriate correction is required.

Drawings

2. The drawings are objected to because of the following informalities: Figures 2-4 show grounds from the battery (130) and the auxiliary power storage means (300)

Art Unit: 2836

labeled as "ground to 300" and "ground to 130". The specification does not state what these labels mean, and it is unclear whether the battery and auxiliary power storage means are connected together via their grounds.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 310 in Figures 2 and 3 (see paragraph 34, line 4; paragraph 35, line 7; paragraph 41, line 2; and paragraph 72, lines 7 and 10), 150, 350, and 450 in Figures 2-4, 360 in Figures 2-4, and 460 in Figures 2-3.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 455 and 480 in Figures 2 and 3.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "300" has been used to designate both the auxiliary power storage means and power storage unit in Figures 2 and 3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

6. Claims 4, 5, 13, 16, and 21 are objected to because of the following informalities: Claim 4 line 6, the phrase "a second remote switch" lacks proper antecedent basis. Claim 5 line 3; claim 13 line 4; claim 16 line 44; and claim 21 line 4, the phrase "the two switches" lacks proper antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. Claims 3, 5, 9, 13, 16-18, and 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 3 and 9 recite the limitation "the at least one power storage unit ... comprises an at least one deep-cycle battery". The phrase "deep-cycle battery" lacks antecedent basis in the specification.

Claims 5, 13, 16, and 21 recite the limitation "a temperature controlled switching means for opening the normally closed second control switch ... and for thereby disconnecting said high-amperage electrical device from the secondary power supply". Figure 4 clearly shows that if the normally closed second control switch (377) is open, the high-amperage electrical device (600) will still be connected to the secondary power supply, unless the primary switching means (363) is also open. Claims 17 and 18 inherit this deficiency.

Allowable Subject Matter

8. Claims 1, 2, 6-8, 10-12, 14, 15, 19, 20, and 22-24 allowed.
9. The following is an examiner's statement of reasons for allowance:

Claims 1, 2, 6-8, 10-12, 14, 15, 19, 20, and 22-24 are allowed because none of the prior art of record teaches or discloses a secondary power supply separate from the primary power supply and the auxiliary power storage means, and a second operating circuit, comprising a first circuit breaker and a second switching means for selectively actuating the second operating circuit to direct power from the secondary power supply to charge the at least one power storage unit of the auxiliary power storage means, connecting the second power supply to the auxiliary power storage means, in combination with the remaining claimed features.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

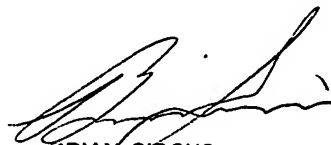
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hal I. Kaplan whose telephone number is 571-272-8587. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on 571-272-2800 x36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2836

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

hik



BRIAN SIRCUS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800